

Interview Summary

Application No.
08/935,629

Applicant(s)
Bates et al.

Examiner
Lyle A. Alexander

Group Art Unit
1743



All participants (applicant, applicant's representative, PTO personnel):

(1) Lyle A. Alexander

(3) _____

(2) Mr. Sullivan

(4) _____

Date of Interview Dec 12, 2000

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☒ was reached. ☐ was not reached.

Claim(s) discussed: all

Identification of prior art discussed:

Senior

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:


It was agreed the attached claims appear to define over the art of record. The Office will conduct a further search and consider all the merits further upon formal submission of the attached amendments.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.


LYLE A. ALEXANDER
PRIMARY EXAMINER

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

Interview

12/12/00

(Draft of 12/11/00)

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
ART UNIT 1743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner Lyle A. Alexander

In re application of
E. Alan Bates et al.
Application No. 08/935,629
Filed 09/23/97
For ASSAYING DEVICE

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper or fee referred to as being attached or enclosed) is being deposited with the U.S. Postal Service in an envelope with sufficient postage as first class mail addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on

Signed: _____

Typed Name: Daniel A. Sullivan, Jr.

Date of Signature: _____

AMENDMENT AND STATEMENT OF INTERVIEW

Box AF
Commissioner for Patents
Washington, DC 20231

Message:

In reply to the action mailed 10/25/00, please amend this application as follows:

IN THE CLAIMS:

Cancel claims 25 and 31 without disclaimer of the subject matter thereof.

Amend claims 1, 8, 24, 26, 30, 32, 35, 39, 42, and 44 as follows:

1. (twice amended) An assaying device for depositing and analyzing a sample,
comprising:

pocket

a. a cartridge/cassette means which contains a test strip, a window for viewing test results and a well/opening consisting essentially of an empty space ^{Chamber} separate from the window, having a top and serving for deposit of the sample; and

b. a cap/cover means for sealing the top of the sample well/opening in a fluid tight relationship following deposit of the sample.

8. (twice amended) A drug screening device for depositing and analyzing a urine sample, comprising:

a. a cartridge/cassette means which contains a drug test strip, a window for viewing test results and a well/opening consisting essentially of an empty space separate from the window, having a top and serving for deposit of the urine sample; and

b. a cap/cover means for sealing the top of the sample well/opening in a fluid tight relationship following deposit of the sample.

24. (amended) An assaying device as claimed in claim 1, the well/opening extending from its top into the cartridge/cassette means to surround [a] the space for reception of sample.

26. (amended) An assaying device as claimed in claim [25] 24, the cap/cover means when sealing the top of the sample well/opening transforming said space into a chamber for retention of sample.

30. (amended) An assaying device as claimed in claim 27, the well/opening extending from its top into the cartridge/cassette means to surround [a] the space for reception of sample.

32. (amended) An assaying device as claimed in claim [31] 30, the cap/cover means when sealing the top of the sample well/opening transforming said space into a chamber for retention of sample.

35. (amended) An assaying device [as claimed in claim 1] for depositing and analyzing a sample, comprising:

a. a cartridge/cassette means which contains a test strip, a window for viewing test results and a well/opening separate from the window, having a top and serving for deposit of the sample; and

b. a cap/cover means for sealing the top of the sample well/opening in a fluid tight relationship following deposit of the sample.

c. the cartridge/cassette means containing a second test strip, a second window for viewing test results and a second well/opening having a top and serving for deposit of the sample, whereby there are two well/openings whose tops are sealed by the cap/cover means in a fluid tight relationship following deposit of the sample.

39. (amended) A method of using an assaying device as claimed in claim [31] 30, comprising the steps of: dropping the sample in the form of urine into the well/opening; and attaching the cap/cover means to cover and seal the top of the well/opening in a fluid tight relationship.

42. (amended) An assaying device for depositing and analyzing a sample, comprising:

I. a cartridge/cassette having a broad, lateral face (1a), a narrow, lateral face

(1b), and a narrow end face (1c);

A. the cartridge/cassette containing a test strip, a window in the broad, lateral face for viewing test
~~area for viewing test~~

results and, separate from the window, a well consisting essentially of an empty space in the broad, lateral face to serve for deposit of the sample; and

II. a cap/cover means for covering and sealing the well in a fluid tight relationship following deposit of the sample.

44. (amended) A method of using a device as claimed in claim 43 to test for drug use, comprising the steps of dropping a urine sample into the well, [and] then covering and sealing the well with the cap/cover means in a fluid tight relationship, and determining drug test results in the window.

REMARKS

The action mailed 10/25/00 has been received and its contents carefully noted.

The above amendments of claims 1, 8, 24, 26, 30, 32, 39, and 42, and the cancellation of claims 25 and 31 apply the suggestion in the first paragraph of page 4 of the action mailed 10/25/00 to use closed claim language to exclude additional elements, in order to exclude Senior's structure and therefore to avoid the rejections involving Senior. These claims and those depending from them require by this amendment, now more clearly than ever, a structural situation where the cartridge/cassette exhibits a well/opening consisting essentially of an empty space (shown at 4b in Fig. 1), into which drops of sample can be deposited. In contrast, Senior discloses a situation where the opening is not empty

but instead is filled with bibulous member 16.

The "consisting essentially of" language has not been placed in claim 43, because that claim additionally avoids rejection on Senior by reciting a test strip for the immunoassay method called antigen-antibody competitive binding to test a urine sample for drug use. Senior instead has a test strip for pregnancy testing.

The amendment of claim 44 seeks to avoid the rejection under 35 USC 112, second paragraph, by adding the step of determining drug test results in the window of the device defined in claim 43.

This amendment also places objected claims 35 and 36 into the required independent form.

On the basis of the above amendment and remarks, the application is now in condition for allowance. Reconsideration of the rejections and allowance of claims 1, 8, 23-34, and 37-44 are requested. The allowability of claims 35 and 36 is acknowledged.

Respectfully submitted,

Daniel A. Sullivan Jr.
Attorney for the Applicant
Reg. No. 25068
Telephone No. (724) 335-1331